

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

S.J.P.

Plaintiff,

V.

**COMMISSIONER OF
SOCIAL SECURITY**

Defendant.

No. 5:24-cv-00232-MTT-CHW

Social Security Appeal

REPORT & RECOMMENDATION

Before the Court is Plaintiff's unopposed motion for an award of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, following this Court's order remanding the case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). (Docs. 13-15). It is **RECOMMENDED** that the motion (Doc. 15) be **GRANTED**.

Plaintiff asks for attorney's fees in the amount of \$3206.11 for 12.7 hours¹ expended in litigating this case. (Doc. 15). The Commissioner does not oppose Plaintiff's request, the requested hours appear to be within a reasonable range, and the rate requested by Plaintiff² appears to comport with this Court's CPI formula established in *Hartage v. Astrue*, No. 4:09-cv-48, 2011 WL 1123401 (M.D. Ga. Mar. 24, 2011).

It is accordingly **RECOMMENDED** that Plaintiff's unopposed motion for EAJA fees (Doc. 15) be **GRANTED**, and that Plaintiff be awarded \$3206.11 in attorney's fees. This award should be made payable to Plaintiff directly. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010).

¹ Although the “total” hours are listed as 17, the time entries and fee amount requested correlate to 12.7 hours. *See* (Doc. 15-1).

² The attorney hourly rate requested by Plaintiff is \$252.45. (Doc. 15-1, p. 2).

OBJECTIONS

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this Recommendation, or seek an extension of time to file objections, **WITHIN FOURTEEN (14) DAYS** after being served with a copy thereof. Any objection is limited in length to **TWENTY (20) PAGES**. *See* M.D. Ga. L.R. 7.4. The District Judge shall make a de novo determination of those portions of the Recommendation to which objection is made. All other portions of the Recommendation may be reviewed for clear error.

The parties are further notified that, pursuant to Eleventh Circuit Rule 3-1, “[a] party failing to object to a magistrate judge’s findings or recommendations contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice.”

SO RECOMMENDED, this 10th day of February, 2025.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge